



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,160	12/04/2003	Puthukode G. Ramachandran	AUS920030976US1	6788
35525	7590	04/06/2009		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER ALVESTIEFFER, STEPHEN D	
			ART UNIT	PAPER NUMBER
			2175	
			NOTIFICATION DATE	DELIVERY MODE
			04/06/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

Office Action Summary**Application No.**

10/728,160

Applicant(s)RAMACHANDRAN, PUTHUKODE
G.**Examiner**

Stephen Alvesteffer

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of the Appeal Brief filed on December 8, 2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175.

This Office Action is responsive to the Appeal Brief filed December 8, 2008. Claims 1, 9, 15, and 21 are independent. Claims 1-21 remain pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 5-10, 13-16, and 19-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Goldstein et al. (hereinafter Goldstein), United States Patent Application Publication 2003/0221167.

Regarding claim 1, Goldstein teaches a method in a data processing system for managing display of a new document, the method comprising data processing system implemented steps of:

displaying, in response to receiving a user input indicating that the new document is to be displayed, a list of currently active browser windows including an indication of a presently displayed document in each respective browser window in the list of currently active browser windows (see Goldstein Figure 8 and paragraph [0096]; *"the software presents a Select Target Window 52, that displays an Open Window List 54 of all open Custom Selection Windows, which are preferably identified by the Description 30 entered by the User when creating the windows"*); and

replacing, in response to a user selection of a browser window from the list of currently active browser windows, a document displayed in the browser window with the new document (see Goldstein paragraph [0097]; *"Upon the selection of an open Custom Selection Window as the target, the software displays the selected Custom Selection Window 34"*).

Regarding claim 2, Goldstein teaches promoting the browser window to a top of a window hierarchy (see Goldstein paragraph [0139]; *"The Window Toolbar 36 also*

includes an Always On Top 92 icon, which, when selected, will retain the Custom Selection Window 34 as the top window on the computing device irrespective of whether the User selects another window, such as another program, as the active window”).

Regarding claim 5, Goldstein teaches that the list of currently active browser windows, including the indication of the presently displayed document in each respective browser window in the list of browser windows, is displayed in a pop-up menu (see Goldstein Figure 8, depicting a pop-up dialog having the list of currently active browser windows).

Regarding claim 6, Goldstein teaches that the receiving step and the replacing step are performed by a Web browser (see Goldstein paragraph [0021]; “*The invention is effected, in part, by software added to the User’s computing device, which is preferably in the form of a plug-in to an Internet browser*”; see also Goldstein paragraph [0025]; “*the software creates an independent browser window, the Custom Selection Window, containing only a relatively small toolbar, the Window Toolbar, and the custom selection of the content items selected by the User*”).

Regarding claim 7, Goldstein teaches that the new document is selected from one of a Web page, an image, or a spreadsheet (see Goldstein paragraph [0018]; “*The invention provides a system, method and apparatus for selecting, displaying, managing, tracking and transferring access to content accessible by computing devices, such as content in web pages, pop-up windows, players and plug-ins available on the World Wide Web, word processor documents, spreadsheets, and other like content*”).

Regarding claim 8, Goldstein teaches that the user input is received in a currently active browser window (see Goldstein paragraph [0022]; *"the software allows the User to select desired content from a web page by directing the mouse pointer over the content, depressing the right mouse button (i.e., "right click") and choosing a Select Content Function offered in an otherwise standard pop-up menu"*).

Claims 9, 10, 13, and 14 recite a data processing system having substantially the same limitations as the method of claims 1, 2, 5, and 6, respectively. Accordingly, the claims are rejected under the same rationale.

Claims 15, 16, 19, and 20 recite a computer program product having substantially the same limitations as the method of claims 1, 2, 5, and 6, respectively. Accordingly, the claims are rejected under the same rationale.

Claim 20 recites a data processing system having substantially the same limitations as the method of claim 1. Therefore, claim 20 is rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 11, 12, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (2003/0221167) *supra* and Weiss et al. (hereinafter Weiss), United States Patent Application Publication 2003/0014415.

Regarding claim 3, Goldstein teaches every limitation of claim 3 except that the indication is a document name from a title bar. Goldstein only teaches that the indication is a description entered by the user (see Goldstein paragraph [0096]). Weiss teaches displaying a list of web page search results including the web page titles that would normally be displayed in the web browser title bar (see Weiss paragraph [0158]; *"For example, and as specifically shown in FIGS. 2-9, a search query including the terms "NY and "maps" returns a list of links 50 each including a title and a Web address, and a corresponding thumbnail image 52 which represents at least a portion of the content of the Web page corresponding to the link"*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically retrieve the indication information from the title bar of the document as taught by Weiss in the invention of Goldstein in order to reduce the amount of data that the user is required to enter manually.

Regarding claim 4, Goldstein teaches every limitation of claim 4 except that the indication is a thumbnail of the document. Goldstein only teaches that the indication is a description entered by the user (see Goldstein paragraph [0096]). Weiss teaches displaying a list of web page search results including thumbnail images representing content of the web pages in the list (see Weiss paragraph [0158]; *"For example, and as specifically shown in FIGS. 2-9, a search query including the terms "NY and "maps"*

returns a list of links 50 each including a title and a Web address, and a corresponding thumbnail image 52 which represents at least a portion of the content of the Web page corresponding to the link"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to display a thumbnail of the document as taught by Weiss in the invention of Goldstein so that the user may more easily identify the window in which to open the document.

Claims 11 and 12 recite a data processing system having substantially the same limitations as the method of claims 3 and 4, respectively. Accordingly, the claims are rejected under the same rationale.

Claims 17 and 18 recite a computer program product having substantially the same limitations as the method of claims 3 and 4, respectively. Accordingly, the claims are rejected under the same rationale.

Response to Arguments

Applicant's arguments regarding objection to Drawings and arguments regarding 35 USC 112 rejections of claims 1-20, presented in Appeal Brief filed December 8, 2008, are persuasive. Accordingly, the objection to Drawings and 35 USC 112 rejections of claims 1-20 are withdrawn.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Newly cited prior art Goldstein (US

2003/0221167) *supra* and Weiss (2003/0014415) *supra* are believed to anticipate every claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Brown et al. (US 6,356,908) Automatic web page thumbnail generation
- Sibert (US 6,928,623) Method and system for selecting a target window for automatic fill-in
- Cobb et al. (US 7,117,447) Graphical user interface (GUI) based call application system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571)270-1295. The examiner can normally be reached on Monday-Friday 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Alvesteffer
Examiner
Art Unit 2175

/S. A./
Examiner, Art Unit 2175

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175